

Arnold & Porter

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BY ECF

Hon. George B. Daniels
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Sokolow et al. v. Palestine Liberation Organization et al.*
No. 04 Civ. 397 (GBD) — Letter Motion for Approval of Sealed or Redacted Filing

Dear Judge Daniels:

I write to request permission to file a letter in sealed and redacted form as required by Rule I.D of Your Honor's Individual Rules and Practices, S.D.N.Y. Standing Order 19-MC-583, and Section 6 of the S.D.N.Y. Electronic Case Filing Rules and Instructions.

Background

Plaintiffs are today filing on ECF a letter providing this Court with copies of excerpts of depositions (and some of the deposition exhibits) that were taken in *Shatsky v. Palestine Liberation Organization*, No. 18 Civ. 12355 (MKV).

As the Court is aware, the applicability and constitutionality of the PSJVTA is in issue in *Shatsky*, and Judge Vyskocil ordered jurisdictional discovery to go forward in that case. The three depositions at issue were taken in July 2021. They bear on defendants' U.S. activities and U.S. facility. The purpose of filing this material in this case is so that this case is decided on as complete a record as is available in the other pending cases concerning the PSJVTA.

Discussion

Plaintiffs obtained the transcripts and documents subject to a protective order in the *Shatsky* case, which provides, in part:

A Party who seeks to file with the Court any Confidential Material, or any pleading, brief, memorandum, or other document that discloses Confidential Material, shall file the pleading, brief, memorandum or other document on the ECF system in redacted form (the "Redacted Filing") until the Court renders a decision on any motion to seal and shall, contemporaneously with or prior to making the Redacted Filing, provide the other Parties and the Court (by email to Chambers) with (i) a clean and unredacted version of the filing and (ii) a copy of the document highlighting the information that has been redacted in the ECF filing. If the Designating Party or person does not move to seal within seven days of the Redacted Filing, the Party making the filing shall take steps to replace the Redacted Filing with its

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corresponding unredacted version. If the Designating Party or person makes a timely motion to seal, and the motion is granted by order of the Court, the filing Party shall ensure that all documents that are the subject of the order are filed in accordance with the procedures that govern the filing of sealed documents on the ECF system. If the Designating Party's or person's timely motion to seal is denied, then the Party making the filing shall take steps to replace the Redacted Filing with its corresponding unredacted version.

Superseding Stipulation and Order Concerning Production of Confidential Documents and Information, *Shatsky v. Palestine Liberation Org.*, No. 18 Civ. 12355 (MKV) (Mar. 11, 2021) [ECF 64]; *see* Memo Endorsement Granting Motion to Intervene, No. 18 Civ. 12355 (MKV) (July 2, 2021) [ECF 95].

Plaintiffs are mindful of the Second Circuit's standards for access to judicial records, as referenced in Rule I.D of Your Honor's Individual Rules and Practices. This request is not an assertion or admission that the documents should be filed under seal. Rather, it is being made in compliance with the protective order in the *Shatsky* case. Indeed, plaintiffs have challenged the designation of these materials as "confidential" under the *Shatsky* protective order, and that challenge is pending before Magistrate Judge Freeman in *Shatsky*.

Respectfully yours,



Kent A. Yalowitz

cc: ECF Counsel